



Council Policy Committee – (2015)

*Marcia Jensen, Mayor
Barbara Spector, Vice Mayor*

SPECIAL MEETING

TOWN OF LOS GATOS TOWN COUNCIL POLICY COMMITTEE SPECIAL MEETING

AGENDA

**TOWN COUNCIL CHAMBERS
110 EAST MAIN STREET
January 29, 2015 – 2:30 P.M.**

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the January 8, 2015 Council Policy Committee Draft Minutes
2. Review and Approve the Final Drafts of the Council Code of Conduct and Council Agenda and Rules Policies, rescind the following Council Policies, and forward to the Town Council for action:
 - a. 2-7 Appointments and Memberships
 - b. 2-8 Americans with Disabilities Notice on Town Agendas
3. Approve validation of the first set of Council Policies and forward to the Town Council for its action:
 - a. 2-11: Commission Appointments
 - b. 2-13: Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings
 - c. 2-14: Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets
 - d. 3-2: Traffic Impact Policy
 - e. 4-4: General Fund Reserve Policy
 - f. 4-5: GASB 54 Fund Balance Policy
4. Identify the next group of Council Policies for Validation, Revision or Rescission and Discuss Project Status Update.
5. Future Agenda Items

Attachments:

1. January 8, 2015 Policy Committee Draft Minutes

2. Staff Report: Approve the final drafts of the Council Code of Conduct and Council Agenda and Rules Policies and rescind two Council Policies
3. Staff Report: Approval to validate the first set of Council Policies and provide a project status update

ADJOURNMENT

cc: Post (*also posted on Town Web*)
Town Council

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
January 8, 2015, 2:30 p.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order

Council Policy Committee meeting was called to order at 2:30 p.m.

Members and Staff present:

Mayor Marcia Jensen
Vice Mayor Barbara Spector
Greg Larson, Town Manager
Robert Schultz, Town Attorney
Laurel Prevetti, Assistant Town Manager/CDD Director
Christina Gilmore, Assistant to the Town Manager
Vilcia Rodriguez, Special Project Coordinator

Verbal Communications

None.

Agenda Items

1. Approval of December 9, 2014 Council Policy Committee Meeting Minutes

Committee Action:

The Committee unanimously approved the draft minutes.

2. Review and Approve the Final Drafts of the Council Code of Conduct and Council Agenda and Rules Policies

Council Code of Conduct Policy

Page 1: Approved, no changes.

Page 2: Approved with one minor change.

Bullet E: change "of" to "with"

Page 3: Approved, no changes.

Page 4: Approved, no changes.

Page 5: Approved, no changes.

Page 6: The Committee directed staff to rewrite Section X: Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings. The Committee requested that revisions be emailed to them for approval. The Committee also requested changes to Section XI: Enforcement.

Page 7: Approved, no changes.

Page 8: Approved, no changes.

Page 9: Approved, no changes.

Council Agenda and Rules Policy

Section A. Order of the Agenda: Delete "Interviews."

Section C: Communications by Members of the Public

Bullet 1: Add "items not on the agenda."

Bullet 2: Add "at" after "rebut"

Bullet 4: Add "noted above." Delete "in order to control the length of a meeting."

Section D: Consent Calendar

Paragraph 2: Add "separate" after "removed for." Rewrite the last sentence to read:

"Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion."

Section H. Preparation of the Agenda

Paragraph 2: Delete "if the item requires staff work."

Page 4: Approved, no changes.

Section K: Proposed Reconsideration of Prior Council Actions

Step 1: Change "this" to "the."

Step 2: Change to: "...if a motion as outlined in Step 1 is approved."

Bullet (a): Delete "usual;" Add "required" before public notification.

Bullet (b): Rewrite the sentence to read: "The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council."

Page 6: Approved, no changes.

The Committee requested to review the final draft of this Policy at the next Policy Committee Meeting.

3. Review and Discussion of the Revised Draft Policy Inventory Matrix and Any Additional Uncovered Policies

During the December closure, staff spent over 60 hours reviewing Land Use documents and almost 2,000 Council resolutions. The staff report titled "Revised Draft Policy Inventory Matrix, Potential Action on Some Policies and Project Status Update," dated

January 8, 2015, details this work and includes a revised matrix of Council policies (Attachment 1).

In addition to this work, staff also informed the Policy Committee that the Town Manager's Office will be conducting an employee survey to identify any other documents. A list of these documents will be provided to the Committee at the next Policy Committee meeting. Staff will also provide a recommended set of policies for validation to test the proposed staff process.

In general, the Committee supported the proposed process. They requested to start with the Land Use Policies because there are being applied as the Town Council considers development applications. As policies are ready for validation, the Committee asked that they be sent directly to Council as Consent Items rather than batching them. The Committee supported the notion of a Council Policy Binder and recommended a consistent organization to find the documents easily.

The Committee will continue discussion of this item at the next Policy Committee meeting.

4. Future Agenda Items

- Review and Approval of the Final Drafts for the Code of Conduct and Council Agenda and Rules Policies
- Review and Approve First Set of Council Policies Recommended for Validation
- Continue Review and Discuss of the Revised Draft Policy Inventory Matrix and any new uncovered policies

Meeting adjourned at 3:30 p.m.



MEETING DATE: 1/29/15
ITEM NO: 2

POLICY COMMITTEE REPORT

DATE: JANUARY 23, 2015
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: APPROVE TWO DRAFT COUNCIL POLICIES AND RESCIND TWO COUNCIL POLICIES

RECOMMENDATIONS:

1. Approve rescission of the following Council Policies and their incorporation into other Council Policies as detailed in this report, and forward to Town Council for its action:
 - a. 2-7 Appointments and Memberships
 - b. 2-8 Americans with Disabilities Notice on Town Agendas
2. Review and approve the final drafts of the Town Code of Conduct and Council Agenda Format and Rules Policies.


BACKGROUND

For the last three months, staff has been researching and locating policies, guidelines, procedures, ordinances, etc. and creating an inventory of these Town documents, as well as making recommendations for revision, rescission or validation of each individual document. At the same time, the Policy Committee and staff have also been revising the Town Code of Conduct and Council Agenda Format and Rules Council Policies.

DISCUSSION

At the January 29, 2015 Policy Committee meeting, the Committee will be reviewing final revisions to the Town Code of Conduct and Council Agenda Format and Rules Council Policies. Staff would like to bring to the Committee's attention, before it gives its final approval to these draft policies, two other Council Policies that could be folded into these policies. Approval of staff's recommendation supports

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by:  Assistant Town Manager _____ Town Attorney _____ Finance _____

COUNCIL POLICY COMMITTEE

SUBJECT: APPROVE DRAFT COUNCIL POLICIES AND RESCIND TWO COUNCIL POLICIES
JANUARY 23, 2015

the Committee's goal to eliminate, where possible, redundant and/or outdated Council policies. The proposed changes are minor and can be made quickly.

After further review of the Appointments and Membership and Americans with Disabilities Notice on Town Agendas Council policies, staff is recommending that the Policy Committee consider rescinding these policies and incorporating pertinent elements from each policy as outlined below into the Town Code of Conduct and Council Agenda Format and Rules Policies.

1. **2-7 Appointments and Memberships** (*Effective 6/15/92*): This Policy sets forth the process for appointing citizens to boards, commissions and committees; Council members to various boards, commissions and committees; and Council membership on non-profit boards of directors. **Staff Recommendation (Rescind & Combine):** With the exception of Bullet C (Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town), this Policy is redundant and already covered under other Council policies, Town Council Code of Conduct and Appointments and Memberships. Staff recommends rescinding this Policy and incorporating Bullet C into the revised Town Council Code of Conduct Policy. A proposed location for Bullet C could be under Section VII. Legal Requirements
2. **2-8 Americans with Disabilities Notice on Town Agendas** (*Effective 8/2/94*): As part of the requirements under the Americans with Disabilities Act (ADA), the Town is required to provide notice of whom to contact in advance of the meeting for assistance to disabled individuals who might wish to participate. **Staff Recommendation (Rescind & Combine):** At the December 15, 2014 meeting, the Policy Committee discussed the option of rescinding Council policies that are already covered by state or federal law. This Policy would fall under that discussion. Furthermore, ADA language is already standard language on the Town Council agenda. If the Policy Committee would like to keep this Policy, staff would like to offer the option to rescind this policy and incorporate it into the revised Town Council Agenda Format and Rules Policy. A proposed location for the ADA requirement language could be after Section G: Adjournment.

CONCLUSION:

Staff will continue to provide the Policy Committee with status updates as they become available.

ENVIRONMENTAL ASSESSMENT:

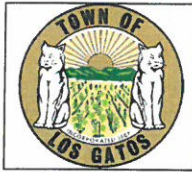
This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

No financial impact associated with this recommendation.

Attachments:

- 1: Revised Council Code of Conduct and Council Agenda Format and Rules Council Policies



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Council Code of Conduct

POLICY NUMBER: 1-10

EFFECTIVE DATE: 5/3/04

PAGES: 9

ENABLING ACTIONS: 2004-59; 2006-111;
2015-xx

REVISED DATES: 12/17/12; 1/xx/15

APPROVED:

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

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IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at the second meeting in November by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council, and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the keys roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town “spokesperson” representing the Council in official and ceremonial occasions.
- D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, such as the League of California Cities, and delivering the State of the Town Address.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

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Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions, and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony.

VII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

Biannual training in the following areas shall be provided by staff to Council Members:

1. The Ralph M. Brown Act
2. Town / CA State Law on Conflict of Interest (AB 1234)
3. Government Section 1090
4. Incompatible Offices

⁴ Council Agenda Format and Rules Policy

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5. The Fair Political Practices Commission Forms
6. Bias

Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

IX. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

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Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional

rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

X. Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings

The Public has a reasonable expectation that they may engage their Council Members on matters of community concern, and sometimes Council members express tentative opinions on various issues and projects.

A Council Member can express a personal opinion contrary to a Council decision or policy as long as the Council Member identifies the statement as a personal view, and he/she does not state or imply that the statement represents Council opinion.

Any final decision shall be based upon the entire record, after all evidence and testimony has been considered, and such tentative opinions are a necessary part of the review process and do not constitute prejudgment of an issue or a project.

XI. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

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2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town

policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

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At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney



TITLE: Town Council Agenda Format and Rules

POLICY NUMBER: 1-1

EFFECTIVE DATE: 12/15/86

PAGES: 6

ENABLING ACTIONS: 1986-183; 1987-24;
1988-124; 1993-181; 1994-57; 1996-108; 2001-
77; 2004-33; 2009-002; 2015-xx

REVISED DATES: 12/15/86; 3/2/87; 6/6/88; 6/15/92;
12/6/93; 4/4/94; 8/5/96; 7/2/01; 4/5/04; 1/20/09;
3/16/09; 12/06/10; 8/5/13; 1/xx/15

APPROVED:

PURPOSE

To establish procedures which standardize the Town Council agenda and insure an orderly meeting.

POLICY

The following policies have been established:

A. Order of the Agenda

Subject to the Mayor's discretion to change the order of consideration of any agenda item during any individual meeting:

- Meeting Called to Order
- Roll Call
- Pledge of Allegiance
- Appointments
- Presentations
- Closed Session Report
- Council Matters
- Manager Matters
- Consent Calendar
- Verbal Communications
- Public Hearings
- Other Business
- Adjournment (No later than midnight without vote)

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B. Closed Session Report

At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

C. Communications by Members of the Public

1. *Verbal Communications.* Comments by members of the public during the Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to no more than three (3) minutes per speaker.
2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than ten (10) minutes for all speakers. Appellants and applicants shall be provided no more than five (5) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.
3. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.
4. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion.

D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion, unless a member from the Council or the public requests that an item be removed for separate Council action. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion.

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E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. Future agenda items to be briefly discussed here shall be identified consistent with Section G of this policy, or may be raised for the first time under this item.

G. Adjournment

Council meetings will be adjourned at midnight unless a majority of the Council Members present vote to extend the adjournment time.

H. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.

Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.

If the wish of the Council is to add an item on the agenda of the current meeting, then the *Brown Act* generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than

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five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.

I. Agenda Schedule and Preparation

Thursday, prior to the meeting

Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.

Friday, prior to meeting

Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.

Monday, prior to the meeting

Additional information from staff available after the Friday Addendum and received prior to 11:00 a.m. on Monday will be distributed to Town Council members as an Addendum to a staff report.

Day of Council Meeting

Council comments and questions received by 7:00 a.m. and public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 1:00 p.m. on the afternoon of a Council meeting. Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

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J. Conduct of Town Council Meetings

The Council shall adopt:

1. Robert's *Rules of Order* or
2. Some other rules of order, or
3. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.

K. Proposed Reconsideration of Prior Council Actions

Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlines herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

Step 1 – Motion to Place Reconsideration of a Prior Action on a Future Council Agenda

- a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;
- b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c) The motion must be adopted by a majority of the full Council; and
- d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

Step 2 – Full Reconsideration of the Prior Action, if a motion as outlined in Step 1 is approved.

- a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.
- b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.
- c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.

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- d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

L. Motions by the Chairperson

The Chairperson of the meeting may make or second motions. The Chairperson may also restate, or ask that the maker restate, all motions immediately prior to any vote.


APPROVED AS TO FORM:

Robert Schultz, Town Attorney



MEETING DATE: 1/29/15
ITEM NO: 3


POLICY COMMITTEE REPORT

DATE: JANUARY 23, 2015
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: APPROVAL TO VALIDATE THE FIRST SET OF COUNCIL POLICIES AND
PROVIDE A PROJECT STATUS UPDATE

RECOMMENDATIONS:

1. Approve validation of the first set of Council Policies and forward to Town Council for its action:
 - a. 2-11: Commission Appointments
 - b. 2-13: Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings
 - c. 2-14: Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets
 - d. 3-2: Traffic Impact Policy
 - e. 4-4: General Fund Reserve Policy
 - f. 4-5: GASB 54 Fund Balance Policy
2. Identify the next set of Council Policies for review:
 - a. 1-5 Landscaping Policies
 - b. 2-6 Public Access to Council Decision Making
 - c. 2-12 Naming Town-Owned Facilities
3. Provide a project status update

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by  Assistant Town Manager _____ Town Attorney _____ Finance _____

BACKGROUND:

At the December 15, 2014 Policy Committee meeting, the Committee approved staff's proposed work plan, as detailed in the staff report dated December 2, 2014. At the January 8, 2015 meeting, staff provided the Policy Committee with a revised inventory of Council policies. Using the categories below, staff classified each policy and made preliminary recommendations for the Committee's consideration. It is important to note that these are recommendations only based on staff work done up until that time, and these recommendations may change as work progresses. The Policy Committee and/or Town Council can direct staff differently.

Category 1: Revise – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, possible stakeholder outreach and/or creation of a new policy.

Category 2: Validate – This category includes policies that have recently been updated or adopted, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain.

Category 3: Rescind – This category includes a set of policies that staff has identified as being outdated, obsolete, redundant, or superseded by other Council action or policy. *This category also includes any Council Policy uncovered after the completion of the Comprehensive Council Policy Review Project.* These policies can be quickly scheduled for Council approval to rescind and delete.

Also at the January 8, 2015 meeting, the Committee directed staff to bring forward the first set of Council policies recommended for validation for its review and approval. These are policies that have recently been updated or adopted, or do not require any changes, and can quickly be scheduled for Council review and validation as policies to maintain.

By starting with this set of Council policies, staff and the Committee will have the opportunity to test staff's recommended process for the comprehensive review of Council policies, guidelines, procedures, and make modifications, as needed.

DISCUSSION:

Council Policies Recommended for Validation

Staff has identified the following Council policies for Council validation based on the following factors:

1. The Council Policy was recently established or revised, and was approved by the full Town Council.

2. Staff review of the Council Policy concludes that it meets current legal, financial and/or other requirements that govern the operation of Town services and/or programs.
3. The Council Policy is aligned with current Council direction.

Before moving forward to Phase 2 of the project, review of Land Use, Planning and Development documents, staff recommends pilot testing the recommended policy review/validation process with six policies first. This provides an opportunity to confirm that the proposed process meets the needs of the project and the Policy Committee's expectations before more time and staff resources are invested.

1. **2-11: Commission Appointments** (*Revised 6/16/14*): To establish policy to encourage participation by Town residents on Town Boards, Commissions and Committees.
2. **2-13: Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings** (*Revised 4/21/14*): To establish requirements for audio/visual presentations and the display of signs and other symbolic material by the public at Town Council and Planning Commission meetings.
3. **2-14: Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets** (*Revised 4/21/14*): To provide guidelines for Town Council, Planning Commission members and employees on the use of electronic tablets during meetings subject to the Brown Act.
4. **3-2: Traffic Impact Policy** (*Revised 8/19/14*): This Council Policy helps identify when to levy traffic impact fees.
5. **4-4: General Fund Reserve Policy** (*Revised 5/16/11*): To establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; (3) Demonstrate continued prudent fiscal management and creditworthiness.
6. **4-5: GASB 54 Fund Balance Policy** (*Revised 6/4/12*): To outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.

Identification of Next Group of Council Policies

As part of the January 29, 2015 agenda, the Policy Committee may identify the next group of Council policies for validation, revision or rescission at the next Policy Committee meeting. Staff would like to offer the following Council policies for the Committee's consideration. The Committee may choose to accept all, some or none of these policies, and/or add other policies to list.

1. **1-5 Landscaping Policies** (*Effective 12/21/87*): This Policy provides Town staff, Council, Planning Commission and applicants for Town permits with a clear and concise statement of the Town of Los Gatos policies regarding landscaping. **Staff Recommendation (Rescind)**: Staff recommends rescind this Policy as it is outdated and longer needed. Landscaping guidelines are captured in other Town documents.
2. **2-6 Public Access to Council Decision Making** (*Effective 5/18/92*): The purpose of this policy is to establish procedure which insure that the public has access to Council decision making. **Staff Recommendation (Rescind)**: Staff initially recommended rescinding this Policy and combining it with the Town Council Agenda Format and Rules Policy. After further review, staff recommends that this Policy be rescinded as it is redundant and already covered under the revised Town of Code of Conduct Policy, and state law.
3. **2-12 Naming Town-Owned Facilities** (*Effective 10/21/96*): This Policy establishes the guidelines for naming Town-owned facilities. **Staff Recommendation (Validate)**: This Policy reflects current Town practice and Town Council direction. Staff recommends validating this Policy.

Land Use, Planning and Development Policies, Guidelines and Procedures

As reported to the Policy Committee at the January 8, 2015 meeting, staff is continuing to review Land Use, Planning and Development documents and has reviewed almost 2,000 Council resolutions dating back to 1999. A preliminary list of these documents has been identified. An employee survey is underway to identify any other documents so far not uncovered or that date before 1999 and are currently in effect. The inventory list will be updated as new documents are identified, and the Committee will be provided with a copy via a separate cover memo. The Committee is welcomed to share any additional documents that it believes should be part of this inventory.

CONCLUSION:

Staff will continue to provide the Policy Committee with status updates as they become available.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

No financial impact associated with this recommendation.